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DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 November 2003*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> *A person shall be entitled to a patent unless --*
> *(b) the invention was patented or described in a printed publication in this or a foreign country or in public*
> *use or on sale in this country, more than one year prior to the date of application for patent in the United*
> *States.*

2.   Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks et al.

(U.S. Patent No. 5,734,853).

Regarding claim 1, Hendricks discloses "a method for distributing programming" (Fig. 1,

and col. 6/lines 20-48 for a cable delivering system offers to distribute programming), the

method comprising:

"transmitting a first set of program segments according to a schedule of programming",

i.e., a first set of program segments transmitting from the headend according to a schedule of

programming can be selected by a main menu and then a submenu displaying to a user (see Figs.

22a & 22b, the user can select one program "Discovery channel choice" from a plurality of

available programs in Figure 22a, and in Fig. 22b as a program segment of "War birds", not an

entire program, can be displaying as a preview to the user with its schedule programming time at

9:30PM, see col. 38/line 36 to col. 39/line 8 for an option to preview a portion of the program;

Fig. 12e and col. 31/lines 30-45 for a preview technique addressed);

"storing a second set of program segments on a server, at least one of the first set of

program segments having a counterpart in the second set of program segments", i.e., the

corresponding program related to the first program segment (regarding as "a counterpart") which

stored on a server will be displaying to the user as the user has an option to order that program or

having more information such as advertising or related information about that program segment

(col. 39/lines 9-24), and this information is stored in a server (or storage) within the cable

headend 208 for local programming and local advertisements (Fig. 3, col. 10/lines 5-15) and then

transmitted by the program control information signal to the storage at the set top terminal (col.

14/lines 47-64 for a sample of video clip for advertisement for the program or any other

program, menu or product information can be sent and stored in the set top terminal, col. 14/line

65 to col. 15/line 38);

"maintaining a database that records user authorizations to program segments on the

server; detecting a request from a user for program control of a particular program segment; and

determining whether to grant program control to the user", i.e., either the server 208 includes a

network controller 214 for monitoring and detecting the user requests as well as keeping track of

records in authorization or granting program control of program segments on the server or

storage of the headend for billing purposes (col. 10/line 23 to col. 11/line 9) or the set top

terminal served as the server containing data, detecting, tracking programs that keeps track the

user records and reports all of these data to cable headend via an upstream link (col. 17/lines 24-

38).

As for claim 2, in view of claim 1, Hendricks further discloses wherein determining

whether to grant program control to the user comprises "identifying the particular program

segment; and determining whether the particular program segment has a counterpart stored on

the server", i.e., identifiers are assigned to programs and events for programming control

effectively, by using these codes, the network controller easily assigns or determines which

particular (second) program segment is related to the (first) request program on the server either

at the headend or at the set top terminal (Fig. 4b, col. 14/line 65 to col. 16/line 58) using routines

(as illustrated in Figs. 11a-11c for requesting and selecting a program segment or an event from

the headend to the terminal).

As for claim 3, in view of claim 2, Hendricks further discloses wherein determining

whether to grant program control to the user further comprises "ascertaining whether the user is

authorized to access the counterpart to the particular program segment from the server", i.e., the

system can determine whether to authorize the user request for accessing the counterpart to the

storage (the server either at the headend or at the set top terminal) or the related program

information (col. 38/line 61 to col. 39/line 48; and Fig. 11c, col. 29/lines 24-47 shows an

example of a routine to check for authorizing an order from the user for a particular program).

As for claim 4, in view of claim 1, Hendricks further addresses wherein determining

whether to grant program control to the user comprises: "identifying the particular program

segment; and ascertaining whether the user is authorized to access the counterpart to the

particular program segment from the server", i.e., identifiers are assigned to programs and events

for programming control effectively, by using these codes, the network controller easily assigns

or determines which particular (second) program segment is related to the (first) request program

on the server either at the headend or at the set top terminal (Fig. 4b, col. 14/line 65 to col.

16/line 58) using routines (as illustrated in Figs. 11a-11c for requesting and selecting a program

segment or an event from the headend to the set top terminal).

As for claim 5, in view of claim 1, Hendricks further discloses wherein detecting the

request from the user for program control of the particular program segment comprises

"receiving a wireless program-control request from a remote control", i.e., wireless program-

control request from a remote control for controlling the set top terminal is addressed (Fig. 3,

item 900, and col. 12/line 53 to col. 13/line 12 for a remote control).

As for claim 6, in view of claim 1, Hendricks further discloses "comprising granting

permanent program control over the particular program segment to the user", i.e., depending on

situations, the system can authorize the subscribers to access the particular program permanently

such as weekly or monthly basis (col. 39/lines 25-34).

As for claim 7, in view of claim 6, Hendricks further inherently suggests "wherein

granting permanent program control over the particular program segment to the user comprises

storing the particular program segment on the server indefinitely", i.e., because the information

related to the particular program segment is stored in a server (or storage) within the cable

headend 208 for local programming and local advertisements (Fig. 3, col. 10/lines 5-15) and then

transmitted by the program control information signal to the storage at the set top terminal (col.

14/lines 47-64 for a sample of video clip for advertisement for the program or any other

program, menu or product information can be sent and stored in the set top terminal, col. 14/line

65 to col. 15/line 38); and as in claim 6, the system can authorize the subscribers to access the

particular program permanently such as weekly or monthly basis (col. 39/lines 25-34); it

indicates that either the headend or the set top terminal is capable of storing the information

indefinitely for the subscriber to access on a weekly basis or a monthly basis.

As for claim 8, in view of claim 6, Hendricks further inherently discloses "wherein granting permanent program control over the particular program segment to the user comprises granting permission to the user to copy the particular program segment from the server", i.e., a VCR is connected to the set top terminal and the set top terminal can automatically program or operate the VCR (col. 11/lines 25-38) and as long as the user is a subscriber (authorized user), the user can access to the particular many times they prefer to (col. 39/lines 25-33); thus, it indicates that the system grants permission to the user to copy over the particular program segment from the server (namely, the set top terminal).

As for claim 9, in view of claim 1, Hendricks further discloses "wherein the particular program segment comprises one of a video program and an audio program", i.e., programming are received from various external sources 212 (Fig. 2) including video programs and audio programs (col. 7/line 65 to col. 8/line 3) and from local programming/advertisements with 'on the fly programming" such as interactive television services, split screen video and different languages for the same video—means a program with video and audio (col. 10/lines 6-57).

Regarding claim 10, Hendricks discloses "a method for distributing video programming" (Fig. 1, and col. 6/lines 20-48 for a cable delivering system offers to distribute programming) the method comprising:

"storing a set of video program segments on a server", i.e., video program segments are stored in a server (or storage) within the cable headend 208 as for local programming and local advertisements (Fig. 3, col. 10/lines 5-15) and then transmitted by the program control information signal to the storage at the set top terminal (col. 14/lines 47-64 for a sample of video

clip for advertisement for the program or any other program, menu or product information can be

sent and stored in the set top terminal, col. 14/line 65 to col. 15/line 38);

"preauthorizing a user to have program control over a subset of the video program

segments to establish a preauthorization scheme", i.e., the system can determine whether to

authorize the user request as "preauthorizing" for accessing the counterpart or the related

program information or over a subset of the video program segments (col. 38/line 61 to col.

39/line 48; and Fig. 11c, col. 29/lines 24-47 shows an example of a routine to check for

authorizing an order from the user for a particular program as a subset of the video program

segments—regarding here as a portion of preview video as discussed earlier in claim 1);

"detecting a request from the user for program control of a particular video program

segment; and granting program control to the user of the particular video program segment in

accordance with the preauthorization scheme", i.e, the set top terminal served as the server

containing data, tracking programs that keeps track the user records and reports all of these data

to cable headend via an upstream link (col. 17/lines 24-38).

As for claim 11, in view of claim 10, Hendricks further discloses "wherein the subset of

the program segments is the set of program segments", i.e., the subset of an order program

segment by using a submenu is the set of program segments because they are related information

(col. 38/line 52 to col. 39/line 24).

As for claim 12, in view of claim 10, Hendricks further discloses "wherein detecting the

request from the user for program control of a particular program segment comprises receiving a

wireless program-control request", i.e., wireless program-control request from a remote control

for the set top terminal is addressed (Fig. 3, item 900, and col. 12/line 53 to col. 13/line 12 for a remote control).

As for claim 13, in view of claim 10, Hendricks further discloses "wherein the server is local to the user", i.e., the set top terminal serving as a server for storage, data tracking, program and menu distribution is considered to be local to the user or at the user's side (Figs. 3, 5a, 6a-6b, and col. 17/lines 24-38).

As for claim 14, in further view of claim 13, Hendricks further discloses "wherein the server is located on a set-top box", i.e., the set top terminal serving as a server can be used for storage of programs from the headend and other menu, any other program information containing video, graphics, program logic and text (col. 11/line 39 to col. 12/line 45 & col. 17/lines 24-38).

Regarding claim 15, Hendricks discloses "a method for distributing programming, the method comprising: transmitting a first set of program segments according to a schedule of programming", i.e., see Figs. 1 & 3, and col. 6/lines 20-48 for a cable delivering system offers to distribute programming; and a first set of program segments transmitting from the headend according to a schedule of programming can be selected by a main menu and then a submenu displaying to a user (see Figs. 22a & 22b, the user can select one program "Discovery channel choice" from a plurality of available programs in Figure 22a, and in Fig. 22b as a program segment of "War birds", not an entire program, can be displaying as a preview to the user with its schedule programming time at 9:30PM, see col. 38/line 36 to col. 39/line 8 for an option to preview a portion of the program; Fig. 12e and col. 31/lines 30-45 for a preview technique addressed);

"storing a second set of program segments on a server, at least one of the first set of

program segments having a counterpart in the second set of program segments", i.e., the

corresponding program related to the first program segment (regarding as "a counterpart") which

stored on a server will be displaying to the user as the user has an option to order that program or

having more information such as advertising or related information about that program segment

(col. 39/lines 9-24), and this information is stored in a server (or storage) within the cable

headend 208 for local programming and local advertisements (Fig. 3, col. 10/lines 5-15) and then

transmitted by the program control information signal to the storage at the set top terminal (col.

14/lines 47-64 for a sample of video clip for advertisement for the program or any other

program, menu or product information can be sent and stored in the set top terminal, col. 14/line

65 to col. 15/line 38);

"preauthorizing a user to have program control over program segments on the server to

establish a preauthorization scheme", i.e., the system can determine whether to authorize the user

request as "preauthorizing" for accessing the counterpart or the related program information or

over a subset of the video program segments (col. 38/line 61 to col. 39/line 48; and Fig. 11c, col.

29/lines 24-47 shows an example of a routine to check for authorizing an order from the user for

a particular program as a subset of the video program segments—regarding here as a portion of

preview video as discussed earlier in claim 1);

"maintaining a database that records user authorizations to program segments on the

server; detecting a request from a user for program control of a particular program segment; and

determining whether to grant program control to the user in accordance with the preauthorization

scheme", i.e., either the server 208 includes a network controller 214 for monitoring and

detecting the user requests as well as keeping track of records in authorization or granting

program control of program segments on the server or storage of the headend for billing

purposes (col. 10/line 23 to col. 11/line 9) or the set top terminal served as the server containing

data, detecting, tracking programs that keeps track the user records and reports all of these data

to cable headend via an upstream link (col. 17/lines 24-38).

Regarding claim 16, Hendricks discloses "a system for distributing programming" (Fig.

3, and col. 9/line 58 to col. 10/line 42 for an overview of the system), the system comprising:

"a transmitter configured to transmit a first set of program segments according to a

program schedule", i.e., signal processor 209 within the cable headend serves as a transmitter in

transmitting or distributing programs and program segments to the user via link 216 (Fig. 3, and

col. 9/line 65 to col. 10/line 1) and a first set of program segments transmitting from the headend

according to a schedule of programming can be selected by a main menu and then a submenu

displaying to a user (see Figs. 22a & 22b, the user can select one program "Discovery channel

choice" from a plurality of available programs in Figure 22a, and in Fig. 22b as a program

segment of "War birds", not an entire program, can be displaying as a preview to the user with

its schedule programming time at 9:30PM, see col. 38/line 36 to col. 39/line 8 for an option to

preview a portion of the program; Fig. 12e and col. 31/lines 30-45 for a preview technique

addressed);

"a server configured to store a second set of program segments, at least one of the first set

of program segments having a counterpart in the second set of program segments", i.e., the

corresponding program related to the first program segment (regarding as "a counterpart") which

stored on a server will be displaying to the user as the user has an option to order that program or

having more information such as advertising or related information about that program segment

(col. 39/lines 9-24), and this information is stored in a server (or storage) within the cable

headend 208 for local programming and local advertisements (Fig. 3, col. 10/lines 5-15) and then

transmitted by the program control information signal to the storage at the set top terminal (col.

14/lines 47-64 for a sample of video clip for advertisement for the program or any other

program, menu or product information can be sent and stored in the set top terminal, col. 14/line

65 to col. 15/line 38);

"a database configured to record user authorizations to program segments on the server";

i.e., either the headend 208 regarding as a database includes a network controller 214 for

monitoring and detecting the user requests as well as keeping track of records in authorization or

granting program control of program segments on the storage of the headend for billing purposes

(col. 10/line 23 to col. 11/line 9) or the set top terminal served as the database containing data,

detecting, tracking programs that keeps track the user records and reports all of these data to

cable headend via an upstream link (col. 17/lines 24-38 with illustrations of Fig. 4b, Table A,

Table B, Table C of column 15-16 as examples for data storing as a database format).

"a detector configured to detect a request from a user for program control of a particular

program segment", i.e., a remote control interface 626 served as a detector in detecting a request

from a user for program control of a particular program segment (Fig. 5b/item 626; and Fig. 3,

item 900, and col. 12/line 53 to col. 13/line 12 for a remote control); and

"a control system in communication with the transmitter, the server, the database, and the

detector, the control system being configured to operate the transmitter, the server, the database,

and the detector to provide program control of program segments on the server to the user in

accordance with a predetermined authorization scheme", i.e., network controller 214 within the

headend 208 correlates the signal processor (regarding as the transmitter), the set top terminal

(regarding as the server and contains databases) and the remote control interface (regarding as

the detector), and it performs these functions in providing program control of program segments

to the user in a timely fashion manner according to a predetermined authorization scheme, for

instance, the system can determine whether to authorize the user request as "preauthorizing" for

accessing the counterpart or the related program information or over a subset of the video

program segments (col. 38/line 61 to col. 39/line 48; and Fig. 11c, col. 29/lines 24-47 shows an

example of a routine to check for authorizing an order from the user for a particular program as a

subset of the video program segments—regarding here as a portion of preview video as

discussed earlier in claim 1);

As for claim 17, in view of claim 16, Hendricks further discloses "wherein the control

system is configured to identify the particular program segment and to determine whether the

particular program segment has a counterpart stored on the server", i.e., identifiers are assigned

to programs and events for programming control effectively, by using these codes, the network

controller easily assigns or determines which particular (second) program segment is related to

the (first) request program on the server either at the headend or at the set top terminal (Fig. 4b,

col. 14/line 65 to col. 16/line 58) using routines (as illustrated in Figs. 11a-11c for requesting and

selecting a program segment or an event from the headend to the terminal).

As for claim 18, in view of claim 17, Hendricks further discloses "wherein the control system is further configured to ascertain whether the user is authorized to access the counterpart to the particular program segment from the server in accordance with the predetermined authorization scheme", i.e., the system can determine whether to authorize the user request for accessing the counterpart to the storage (the server either at the headend or at the set top terminal) or the related program information (col. 38/line 61 to col. 39/line 48; and Fig. 11c, col. 29/lines 24-47 shows an example of a routine to check for authorizing an order from the user for a particular program).

As for claim 19, in view of claim 16, Hendricks further discloses "wherein the control system is configured to identify the particular program segment and to ascertain whether the user is authorized to access the counterpart to the particular program segment from the server in accordance with the predetermined authorization scheme", i.e., identifiers are assigned to programs and events for programming control effectively, by using these codes, the network controller easily assigns or determines which particular (second) program segment is related to the (first) request program on the server either at the headend or at the set top terminal (Fig. 4b, col. 14/line 65 to col. 16/line 58) using routines (as illustrated in Figs. 11a-11c for requesting and selecting a program segment or an event from the headend to the terminal).

As for claim 20, in view of claim 16, Hendricks further discloses "wherein the particular program segment comprises one of a video program and an audio program", i.e., programming are received from various external sources 212 (Fig. 2) including video programs and audio programs (col. 7/line 65 to col. 8/line 3) and from local programming/advertisements with 'on

the fly programming" such as interactive television services, split screen video and different

languages for the same video—means a program with video and audio (col. 10/lines 6-57).

Regarding claim 21, Hendricks discloses "a computer-readable storage medium having a

computer-readable program embodied therein for directing operation of a programming

distribution system including a transmitter; a server; a database; a detector; and a control system

configured to provide program control of program segments on the server, the computer-readable

program including instructions for operating the programming-distribution system in accordance

with the following: transmitting a first set of program segments with the transmitter according to

a schedule of programming; storing a second set of program segments on the server, at least one

of the first set of program segments having a counterpart in the second set of program segments;

maintaining on the database a record of user authorizations to program segments on the server;

and detecting a request from a user for program control of a particular program segment" (see

claim 16, with menu sequence software and turbo card software and their software routines for

operating the entire system (col. 27/line 8 to col. 33/line 26), the system offers a computer-

readable storage medium having a computer-readable program embodied therein for directing

operation of a programming distribution system as already disclosed above).

As for claim 22, in view of claim 21, Hendricks further discloses wherein the

computer-readable program further includes instructions for operating the programming

distribution system in accordance with "determining whether to grant program control to the

user", i.e., the system can determine whether to authorize or grant the user request for accessing

the system as in Fig. 11c, col. 29/lines 24-47, it shows an example of a routine to check for

authorizing an order from the user for a particular program as a subset of the video program

segments.

As for claim 23, in view of claim 22, Hendricks further discloses wherein the instructions

for operating the programming-distribution system in accordance with determining whether to

grant program control to the user include "instructions for identifying the particular program

segment; and instructions for determining whether the particular program segment has a

counterpart stored on the server", i.e., identifiers are assigned to programs and events for

programming control effectively, by using these codes, the network controller easily assigns or

determines which particular (second) program segment is related to the (first) request program

on the server either at the headend or at the set top terminal (Fig. 4b, col. 14/line 65 to col.

16/line 58) using computer routines with instructions (as illustrated in Figs. 11a-11c for

requesting and selecting a program segment or an event from the headend to the terminal).

As for claim 24, in view of claim 23, Hendricks discloses wherein the instructions for

operating the programming-distribution system in accordance with determining whether to grant

program control to the user further include "instructions for ascertaining whether the user is

authorized to access the counterpart to the particular program segment from the server" i.e., the

system can determine whether to authorize or grant the user request for accessing the counterpart

or the related program information or over a subset of the video program segments (col. 38/line

61 to col. 39/line 48; and Fig. 11c, col. 29/lines 24-47 shows an example of a computer routine

with instructions to check for authorizing an order from the user for a particular program as a

subset of the video program segments—regarding here as a portion of preview video as

discussed earlier in claim 1).

As for claim 25, in view of claim 21, Hendricks further discloses "wherein the particular program segment comprises one of a video program and an audio program", i.e., programming are received from various external sources 212 (Fig. 2) including video programs and audio programs (col. 7/line 65 to col. 8/line 3) and from local programming/advertisements with 'on the fly programming" such as interactive television services, split screen video and different languages for the same video—means a program with video and audio (col. 10/lines 6-57).

As for claim 26, in view of claim 22, Hendricks discloses wherein the instructions for operating the programming-distribution system in accordance with determining whether to grant program control to the user include "instructions for identifying the particular program segment; and instructions for ascertaining whether the user is authorized to access the counterpart to the particular program segment from the server", i.e., identifiers are assigned to programs and events for programming control effectively, by using these codes, the network controller easily assigns or determines which particular (second) program segment is related to the (first) request program on the server either at the headend or at the set top terminal (Fig. 4b, col. 14/line 65 to col. 16/line 58) using computer routines with instructions (as illustrated in Figs. 11a-11c for requesting and selecting a program segment or an event from the headend to the terminal); and Fig. 11c, col. 29/lines 24-47 shows an example of a computer routine with instructions to check for authorizing an order from the user for a particular program as a subset of the video program segments—regarding here as a portion of preview video as discussed earlier in claim 1).

Response to Arguments

3.   Applicant's arguments filed on 03/9/04 have been fully considered but they are not

persuasive. Applicants basically argues that in Hendricks' reference, the user can access to a

program as it is transmitted according to a "fixed schedule", but this application is about

"program control" which allow the user to "manipulate progression of the program by execution

of such functions as Fast Forward, Rewind or Pause."

        However, in response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the

step of "program control" which allow the user to "manipulate progression of the program by

execution of such functions as Fast Forward, Rewind or Pause) are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

        Furthermore, a broad term such as "program control" in independent claims 1, 10, 15, 16,

and 21, to any one of ordinary skill in the art, does not specifically refer to the step of including

"manipulate progression of the program by execution of such functions as Fast Forward, Rewind

or Pause" as argued by the Applicants; for instance, the user can request a "program control" by

simply using a remote control to interactively access and manipulate the selection of programs

on a menu screen (Hendricks, col. 6/lines 20-48), which can be regarded as satisfying the

requests from the user for "program control" of a particular program or segment. Therefore, the

Examiner disagrees with the Applicants' arguments and stands with the disclosure and teaching

of Hendricks as disclosed and discussed in this Final Office Action.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

5.   **Any response to this action should be mailed to:**

        Commissioner of Patents and Trademarks

        Washington, D.C. 20231

or faxed to:

        (703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park 11, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

6.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The

examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate

Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to Technology Center 2600 Customer Service Office whose telephone number

is (703) 306-0377.

VIVEK SRIVASTAVA
PRIMARY EXAMINER

Krista Bui
Art Unit 2611
May 4, 2004